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Dated: 1-5-05

Signature: Joyce Krumpe  
(Joyce A. Krumpe)

Docket No.: (AP9658) 209565-81622  
(PATENT)

B  
EFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
J. Schonlau

Application No.: 10/018,450

Art Unit: 3682

Filed: 04/17/2002

Examiner: McAnulty, T.

For: Actuation Device for a Motor Vehicle

COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Notice of Allowance and Fee(s) Due dated November 19, 2004

Certified Copies Of Priority Documents

The Examiner has noted in the Notice of Allowance dated November 19, 2004 that a copy of the priority document (Germany 199 26 937.2 08/05/1999) has not been received. The undersigned wishes to bring to the Examiner's attention that the Declaration as filed, claims priority to three German application, one of which is 199 36 937.2 **NOT** 199 26 937.2.

Applicant submits herewith a copy of Form PCT/IB/304 relating to this application. As set forth in the attached Form PCT/IB/304, the International Bureau has received a certified copy of the 199 36 937.2 priority document in compliance with Rule 17.1(a) or (b). In accordance with MPEP § 1896(III)(last sentence) the undersigned understands that the appropriate procedure to rectify the record is for the Examiner to consult with a Special Program Examiner

Application No.: 10/018,450

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in his or her technology center. In the alternative, you may want to contact Ms. Carol Bidwell, PCT Supervisor, relating to this issue. She has been very helpful in the past in assisting Examiner's to obtain certified copies of priority documents once it is established that an applicant has fulfilled their duties under PCT Rule 17.1(a) or (b).

Dated:

January 5, 2005

Respectfully submitted,

By

  
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OAKLAND.640409.1

PCT/EP00/04802

## PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

CONTINENTAL TEVES AG & CO. OHG  
Guerickestrasse Continental Teves AG & CO. OHG  
D-60488 Frankfurt am Main (GF) / Lizenzen (GL)  
ALLEMAGNE

23.07.2000

Eingang

Date of mailing (day/month/year) 13 October 2000 (13.10.00)		
Applicant's or Agent's file reference PC9658R1 Jo	IMPORTANT NOTIFICATION	
International application No. PCT/EP00/04802	International filing date (day/month/year) 26 May 2000 (26.05.00)	
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 17 June 1999 (17.06.99)	
Applicant CONTINENTAL TEVES AG & CO. OHG et al.		

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt or by the letters "NR" in the right-hand column, the priority document(s) concerned is/are submitted in compliance with Rule 17.1(a) or (b).

2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.

3. An asterisk (\*) appearing next to a date of receipt in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau, in which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Priority date	Priority application No.	Country or regional Office or PCT Receiving Office	Date of receipt of priority document
17 June 1999 (17.06.99)	199 27 775.3	DE	25 July 2000 (25.07.00)
05 Aug. 1999 (05.08.99)	199 36 937.2	DE	25 July 2000 (25.07.00)
04 Nov. 1999 (04.11.99)	199 53 002.5	DE	25 July 2000 (25.07.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Genève 20, Switzerland	Authorized officer Klemens BRAHM
Facsimile No. (41) 221 740 435	Telephone No. (41) 221 325 83 08

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for the earlier international filing date to be a U.S. filing date for prior art purposes under 35 U.S.C. 102(e).

(B) If the international application was filed on or after November 29, 2000, but did **not** designate the United States or was **not** published in English under PCT Article 21(2), do **not** treat the international filing date as a U.S. filing date for prior art purposes under 35 U.S.C. 102(e). In this situation, do **not** apply under 35 U.S.C. 102(e) the reference as of its international filing date, its date of completion of the 35 U.S.C. 371(c)(1), (2) and (4) requirements, or any earlier filing date to which such an international application claims benefit or priority. The reference may be applied under 35 U.S.C. 102(a) or (b) as of its publication date, or 35 U.S.C. 102(e) as of any later U.S. filing date of an application that properly claimed the benefit of the international application (if applicable).

(C) If the international application has an international filing date prior to November 29, 2000, apply the reference under the provisions of 35 U.S.C. 102 and 374, prior to the AIPA amendments:

(1) For U.S. patents, apply the reference under 35 U.S.C. 102(e) as of the earlier of the date of completion of the requirements of 35 U.S.C. 371(c)(1), (2) and (4) or the filing date of the later-filed U.S. application that claimed the benefit of the international application;

(2) For U.S. application publications and WIPO publications directly resulting from international applications under PCT Article 21(2), never apply these references under 35 U.S.C. 102(e). These references may be applied as of their publication dates under 35 U.S.C. 102(a) or (b);

(3) For U.S. application publications of applications that claim the benefit under 35 U.S.C. 120 or 365(c) of an international application filed prior to November 29, 2000, apply the reference under 35 U.S.C. 102(e) as of the actual filing date of the later-filed U.S. application that claimed the benefit of the international application.

Examiners should be aware that although a publication of, or a U.S. patent issued from, an international application may not have a 35 U.S.C. 102(e) date at all, or may have a 35 U.S.C. 102(e) date that is after the effective filing date of the application being examined (so it is not "prior art", the corresponding WIPO

publication of an international application may have an earlier 35 U.S.C. 102(a) or (b) date.

### III. 35 U.S.C. 119(a)-(d) >AND 365(b)< PRIORITY REQUIREMENTS

The certified copy of the foreign priority application must be provided to the Office by applicant in a U.S. national application filed under 35 U.S.C. 111(a). Where applicant filed an international application claiming priority to an earlier filed national application, the certified copy of the priority application **\*\*>may<** be provided to the International Bureau by applicant during the international stage. The International Bureau (WIPO) then sends a copy of the certified copy of the priority application to each designated office for inclusion in the national stage application. A U.S. national stage application filed under 35 U.S.C. 371 will have a photocopy of the priority document with the first page stamped by the International Bureau to indicate that it is a priority document received by WIPO and the date of such receipt. Such a photocopy is acceptable in a U.S. national stage application to establish that applicant has filed a certified copy of the priority document. If the photocopy is missing from the national stage application file, either the document has been misplaced or it was not provided due to a defect in priority during the international stage. If the priority claim was not in accordance with PCT Rule 4.10 or the priority document was not provided in accordance with PCT Rule 17, the photocopy of the priority document will not have been provided by the International Bureau. >If a copy of the foreign priority document is not in the national stage application file but applicant asserts that a certified copy of the priority document was timely furnished under PCT Rule 17 in the international phase, then the examiner should consult with a Special Program Examiner in his or her Technology Center.<

### IV. UNITY OF INVENTION

U.S. national applications filed under 35 U.S.C. 111(a) are subject to restriction practice in accordance with 37 CFR 1.141-1.146. See MPEP § 803. U.S. national stage applications (which entered the national stage from international applications after compliance with 35 U.S.C. 371) are subject to unity of invention